

# MINUTES

## County Council Meeting

April 21, 2014

Spartanburg County Council met on Monday, April 21, 2014, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Katherine O'Neill, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; and John Harris, Senior Deputy County Attorney. Ginny Dupont, Deputy County Attorney, was absent.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

I.

Chairman Horton called the meeting to order.

Invocation was rendered by Chaplain Jerry Clevenger. Mr. Jim Greer led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Mintz to adopt a Resolution honoring and recognizing Terry Larson for his acts of bravery to an injured motorist and the Spartanburg County community. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of District 1 Landrum Middle School being named the South Carolina Exemplary Reading School for 2014. Motion seconded by Mr. Nutt and carried. Dr. Crystal McSwain, Principal, received Resolution.
- C. Motion made by Mr. Culbreth to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of District 1 Holly Springs Motlow Elementary School being recognized for its efforts in literacy programs and being named a South Carolina Exemplary Reading Honor School for 2014 by the South

Carolina International Reading Association for 2014. Motion seconded by Mr. Brown and carried. Mrs. Erika Center, Principal, received Resolution.

- D. Mr. Britt presented R. Carter Smith, CEcD, with a plaque and thanked him for his dedicated efforts as a key member of Spartanburg County's Economic Development Team to recruit Toray Industries, Inc., BMW, and Bass Pro to Spartanburg County. Through Mr. Smith's work, \$14 billion in investments and 40,000 jobs have come to Spartanburg County. Chairman Horton thanked Mr. Smith and Mr. Britt for their work involved in obtaining Bass Pro.

### III.

Mr. Culbreth presented a letter to Chief Hershberger, Inman Community Fire Department, and the fire department thanking and congratulating them on receiving grant moneys from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) in response to the application submitted under the Fiscal Year 2013 Staffing for Adequate Fire and Emergency Response (SAFER) grant program.

Ms. O'Neill recognized Sue O'Brien, New Director, Spartanburg County Alcohol and Drug Abuse Commission. Lloyd O'Ree, Information Technologies Department, was recognized and congratulated on passing the Certified Virtualization Expert Exam 5.1 with a 90% score. Doug Bryson, Emergency Preparedness, and Crime Prevention Officer Kevin Bobo, Sheriff's Office, were recognized for providing information and representing the County well to the Roebuck Improvement Association. Mike Flynn and Melissa Morgan, Communications Department, were recognized for their assistance in getting Spartanburg County Sheriff Deputies to assist the Woodruff Police Department. The wonderful job Melissa Morgan, 9-1-1 Dispatcher, did probably saved the life of Sgt. Douglas Jones, Woodruff Police Department, and the life of a Reserve Officer when they stopped a car in Woodruff. Charles Hill, Communication Employee of the Year, was recognized for receiving the "Donnie Caldwell" award by the Spartanburg County Fire Chief's Association. Jamie Nelson, Director, Environmental Enforcement, Senior Officer Larry Sprouse, Officer Johnny O'Shields, Officer Jason Sain, Officer William Roman, and Officer Paul Berry were recognized for helping achieve the Zero Tolerance Achievement Award which was presented at a Press Conference conducted at the Statehouse for their efforts during last years Zero Tolerance for Litter Campaign. Ann Angermeier, Director, SC Works Spartanburg, was recognized for being selected to receive the Outstanding SC Works Center award. Nancy Ward, Register of Deeds Department, was recognized for her excellent customer service in helping a couple get copies of their mortgage and mortgage cancellation. Libby Parris, Christine Freeman, and Steve Ford, Auditor's Office, were recognized for their professionalism in helping someone sign up for the Homestead Exemption. Jim Campbell, Jon Woodsby, Marcia Murff, Elizabeth Hardee, Ben Palmer, and Mike Nation, Spartanburg Parks, were recognized for assisting with the Bass Pro

Shops Announcement and for encouraging the Bass Pro Shops Representatives. Janet Lowe, Finance Department, was recognized for her loyal service to the County. Jerry Glover and Gary Splawn, Building Codes Department, were recognized for providing excellent customer service in helping Mr. and Mrs. David Beanblossom with the building procedures and processes involved in the construction of their new home.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance authorizing (1) the execution and delivery of an Amendment to Fee Agreement by and between Spartanburg County, South Carolina (The "County") and **Michelin North America, Inc.** (Project Journal), acting for itself, one or more sponsor affiliates or other project sponsors (The "Company"), in connection with investment in certain facilities at one or more locations in the County (the "Additional Project"), approving and providing for (A) a five-year extension of the investment period of the existing fee in lieu of tax arrangement set forth in such fee agreement, (B) a ten-year extension of the term of the existing fee in lieu of tax arrangement set forth in such fee agreement, and (C) certain Special Source Revenue Credits in connection with the Additional Project; (2) the execution and delivery of one or more amendments and other agreements or instruments including, but not limited to, an Amendment to Lease Agreement by and between the County and the Company, approving and providing for a ten-year extension of the term of an additional existing fee in lieu of tax arrangement set forth in such lease agreement; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company and the Additional Project; and (4) other matters relating thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to determine (1) whether and to what extent the service area of the **Woodruff-Roebuck Water District** shall be enlarged, and (2) whether the voting areas of the Woodruff-Roebuck Water District shall be reapportioned. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, May 10, 2014 and Saturday, May 31, 2014 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

**Economic Recruitment and Development Committee** – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to adopt a Resolution identifying a project to satisfy the requirements of South Carolina Code annotated Section 12-44-40, so as to allow investment expenditures incurred by a company known to the County as **Project McDonald's** (including its affiliated and related entities) to qualify as expenditures eligible for a fee-in-lieu of taxes arrangement with Spartanburg County, South Carolina; and to commit to enter into necessary agreements with the company to effectuate the intent of this Resolution; and other related matters. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement to provide for a fee in lieu of ad valorem taxes incentive and infrastructure credits to (**Project McDonald's**); the inclusion of certain property in Spartanburg County, South Carolina in a multi-county industrial park; and other matters related thereto. Motion seconded by Mr. Nutt and carried.

**Public Health and Human Services Committee** (Honorable Roger Nutt, Chairman)

No items scheduled.

**Personnel and Finance Committee** (Honorable Dale Culbreth, Chairman)

- A. Ms. Katherine O'Neill, County Administrator, presented the FY 2015 Budget Presentation and Budget Calendar. (Presentation included in backup) Our estimated revenues are \$84,570,226 for the General Fund. Our requested expenditures are \$90,989,103. This gives us a beginning gap of \$6,418,877. Over the course of several months, Administration and Staff will work to close this gap and bring Council a balanced budget recommendation. A Budget Work Session and First Reading of the Budget will be held on May 2, 2014. Second reading and public hearing will be held on May 19, 2014. Third reading and adoption will be held on June 16, 2014. Motion made by Mr. Culbreth to adopt the recommended Budget Calendar. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Culbreth to adopt a Resolution ordering an advisory referendum in the **Duncan Fire Service Area**, to submit the question of whether Spartanburg County shall be authorized to issue not exceeding \$2,250,000 in aggregate principal amount of General Obligation Bonds for the Duncan Fire Service Area; providing for the form of ballot to be used; providing for notice of the advisory referendum; and providing for all other

- things necessary to submit the aforesaid question. Motion seconded by Ms. Hall and carried. Mr. Mintz opposed.
- C. Motion made by Mr. Culbreth to adopt a Resolution ordering an advisory referendum in the **Poplar Springs Fire Service Area**, to submit the question of whether the voters of Poplar Springs Fire Service Area approve an increase in the levy and collection of a tax from the current millage to not more than 20.0 mills upon all the taxable property of such fire service area; providing for the form of ballot to be used; providing for notice of the advisory referendum; and providing for all other things necessary to submit the aforesaid question. Motion seconded by Mr. Nutt and carried. Mr. Mintz opposed.
- D. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Jane Hall, Chairman)  
No information received.

**Public Safety and Judiciary Committee** – (Honorable Michael Brown, Chairman)

- A. Commander Jack Wright presented information in reference to a request from the American Legion Post No. 200 to solicit funds from motorists on Saturday, May 17, 2014 between the hours of 9:30 a.m. and 1:30 p.m. with a rain date of Saturday, May 31, 2014 at Rainbow Lake Road/Entrance and Wal-mart and Lowe's Exits; Double Bridge Road next to Firehouse Subs; Valley Falls Road next to Rite Aid; Intersection of 4<sup>th</sup> Street at McDonalds and Shoally Creek Road at CVS; and Old Furnace Road off Highway 9 at McDonalds Exit and Bi-Lo Plaza Exit. Motion made by Mr. Brown to approve request to solicit funds. Motion seconded by Mr. Nutt and carried.
- B. Major Neal Urch, Director of Jail Operations, presented information in reference to the State Criminal Alien Assistance Program (SCAAP) grant. Motion made by Mr. Brown to approve submittal of grant application. Motion seconded by Mr. Britt and carried.
- C. Updated information received regarding activities of Building Codes Department.

**Land Use Committee** (Honorable Jeff Horton, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

**Public Works, Buildings and Grounds Committee** (Honorable O'Neal Mintz, Chairman)

- A. Motion made by Mr. Mintz to adopt a Resolution calling for a public hearing to be held upon the question of extending the boundaries of the Spartanburg Sanitary Sewer District; and providing for publication of the notice of such hearing. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Mintz to render first reading to an Ordinance authorizing the Spartanburg Sanitary Sewer District, South Carolina to enlarge its service area; and generally approving other matters relating thereto. Motion seconded by Mr. Nutt and carried.
- D. Updated information received regarding activities of the Public Works Department.

VI.

Laura Thompson appeared in reference to locksmith scams in the County. Handouts were distributed to Council by Ms. Thompson and are included in backup. Chairman Horton thanked Ms. Thompson and asked Ms. O'Neill to get a ruling from the Sheriff and our County Attorneys on what we can do as a County. Ms. O'Neill stated that we are also hoping that our Delegation to the General Assembly will help with this being a statewide requirement. Mr. Britt stated that he agrees with Chairman Horton.

VII.

- A. Motion made by Mr. Mintz to render third reading to an Uncodified Ordinance to grant a **Utility Easement to Duke Energy Carolinas, LLC** to install three-phase, overhead electrical service on the Wellford Landfill property to service a new landfill gas (LFG) blower system. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Britt to render second reading to an Ordinance authorizing (1) the execution and delivery of an Amendment to Fee Agreement by and between Spartanburg County, South Carolina (The "County") and **Michelin North America, Inc.**, acting for itself, one or more sponsor affiliates or other project sponsors and previously identified as Project Journal, (The "Company"), in connection with investment in certain facilities at one or more locations in the County (the "Additional Project"), approving and providing for (A) a five-year extension of the investment period of the existing fee in lieu of tax arrangement set forth in such fee agreement, (B) a ten-year extension of the term of the existing fee in lieu of tax arrangement set forth in such fee agreement, and (C) certain Special Source Revenue Credits in connection with the Additional Project; (2) the execution and delivery of one or more amendments and other agreements or instruments including, but not limited to, an Amendment to Lease Agreement

by and between the County and the Company, approving and providing for a ten-year extension of the term of an additional existing fee in lieu of tax arrangement set forth in such lease agreement; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company and the Additional Project; and (4) other matters relating thereto. Motion seconded by Mr. Culbreth and carried.

- C. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the **Woodruff-Roebuck Water District**, South Carolina to (1) enlarge its service area, and (2) reapportion its voting areas; providing for the publication of notice of the said findings and authorization; and generally approving other matters relating thereto. Motion seconded by Ms. Hall and carried.

### XIII.

- A. Motion made by Mr. Britt to adopt a Resolution authorizing the Delinquent Tax Collector of Spartanburg County to transfer property to the Spartanburg County Forfeited Land Commission. Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Culbreth to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, May 10, 2014 and Saturday, May 31, 2014 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.

### IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

### X.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 14239 recognizes donations of \$150.00 for the National Telecommunicators Week. Budget Amendment Resolution Number 14240 – On March 26, the State appointed one new Part-time magistrate Judge. The appointment will temporarily raise the FY14 authorized staffing level by one position. The judge will be working 20 hours per week. The anticipated FY14 budget impact is \$11,732 in salary plus

training. The expense will be recognized once a revenue source to fund these positions has been identified. Budget Amendment Resolution Number 14241 sets up the donation from the Buffalo Wild Wings fundraiser for the Emergency Services Academy. Budget Amendment Resolution Number 14242 sets up revenue received in the Forfeited Gambling Fund, State Forfeited Drug Fund and Federal Forfeited Drug Fund for February and March 2014. Budget Amendment Resolution Number 14243 – The Upstate Workforce Investment Board received additional Dislocated Worker Rapid Response funds for the remainder of the program year (to be spent through June 30, 2014) to address budget needs in this funding stream. Budget Amendment Resolution Number 14244 recognizes insurance proceeds received for the total loss of a Sheriff's Office vehicle. Budget Amendment Resolution Number 14245 recognizes insurance proceeds received for the total loss of a Parks department vehicle. Budget Amendment Resolution Number 14246 recognizes Spartanburg County as a Subgrantee of a South Carolina Department of Parks, Recreation & Tourism (RTP) grant awarded to the Town of Pacolet for the Pacolet & Lawson's Fork Blueway Project.

Motion made by Mr. Britt to approve the Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Nutt. Ms. O'Neill stated that one Budget Amendment Resolution was added after the original packet was provided to Council. This is a Budget Amendment Resolution for the administration of a grant and partnership with the Town of Pacolet. Motion made by Mr. Britt to include the Budget Amendment Resolution for the Town of Pacolet in the motion. Motion seconded by Mr. Nutt and carried. Motion made by Mr. Britt to adopt the Budget Amendment Resolutions provided to Council Council. Motion seconded by Mr. Culbreth and carried.

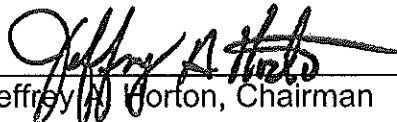
XI.

Motion made by Mr. Nutt to approve the minutes of March 17, 2014 (Regular Meeting) and April 8, 2014 (Special Meeting). Motion seconded by Mr. Mintz and carried.

XIII.

Meeting adjourned.

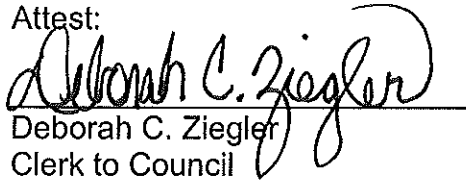
SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman



Spartanburg County Council  
April 21, 2014

Attest:

  
Deborah C. Ziegler  
Clerk to Council